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WITHERS & KEYS, LLC P.O. BOX 71355 MARIETTA, GA 30007-1355			SUAZO, RAINIER A	
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			2144	

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/893,439

Applicant(s)

ZHANG ET AL.

Examiner

Rainier Suazo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 18 January 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-30 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-30 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 10-18, 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (U.S. Patent Number 6,173,326 B1) hereinafter referenced to as Collins in view of Howard et al. (U.S. Patent Number 6,601,086 B1) hereinafter referenced to as Howard, and further in view of Bowman-Amuah (U.S. Patent Number 6,427,132 B1) hereinafter referenced to as Bowman.

Regarding claims 1, 12 and 23-25, Collins taught a system for converged service creation and execution, the system comprising: an application server (NASP host on fig. 3 and 4 and column 6 pages 9-29); service session manager or manager logic, the service session manager or manager logic in communication/coupled with the application server (column 2 lines 7-15, column 4 lines 62-64 and column 17 lines 6-10) or a data network to which the Collins' NASP explicitly attached (fig. 3 [310]); a

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converged service creation and execution environment messaging bus, the converged service creation and execution environment messaging bus in communication with the service session manager (or manager logic) (fig. 1 [110, 1120 and 130], fig. 3 [303] and column 1 lines 38-48); and a plurality of service servers or server farm, the plurality of service servers or server farm (abstract, column 1 lines 7-15, column 2 lines 21-27).

Specifically regarding claim 23, it is noted that service session manager or manager logic represents means for managing a service session and therefore are taught by Collins.

Specifically regarding claim 25, Collins taught an e-center, the e-center coupled to the means for interfacing a service application; and applications coupled to the e-center (fig. 8).

Collins taught the invention substantially as claimed, however, Collins did not explicitly teach a plurality of service servers in communication with a the messaging bus and a plurality of network service applications coupled to the e-center.

Collins taught information providers selectable by the end-user (column 1 lines 49-52 and column 2 lines 22-27), which motivates the exploration of the art accordingly to properly interact with the information providers.

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Howard taught a plurality of information providers (30 on fig. 10) connectable and in communication with a host computer (fig 1 and 10) in order to provide access to service and a plurality of network service applications coupled to the e-center (column 3 lines 39-44). For more details see abstract, column 3 lines 1 to 44, column 5 lines 6-11, column 6 lines 18-36, column 10 lines 32-39, fig. 1, 7, 9 and 10.

Collins and Howard disclosed inventions related to similar fields of invention regarding the provisioning and control of access to services.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the systems of Collins with the teachings of Howard to provide a system wherein the information providers are represented by a plurality of service servers coupled to a central provider (Howard: column 3 lines 39-44), since Collins motivated by the exploration of the art with teachings regarding selectable information providers (column 1 lines 49-52 and column 2 lines 22-27).

Regarding claims 2-6 and 15, Collins taught a system further comprising a proprietary and open application programming interface selected from the group consisting of an open broadband service application programming interface and an open narrowband service application programming interface, further comprising a plurality of open application programming interfaces and the plurality of open application programming interfaces include an open broadband service application programming

interface and an open narrowband service application programming interface (column 5 lines 21-34, column 8 lines 21-39, [narrowband] column 8 lines 40-51, column 8 lines 52-62 and column 9 lines 41-51).

It is also noted that application program(ming) interface implementations include communication protocol stack that are inherited in network communications. See Newton's Telecom Dictionary 18<sup>th</sup> Edition, published on 2002, page 56.

The combination of Collins and Howard, hereinafter "the combination" taught the invention substantially as claimed. However, the combination did not expressly teach details regarding that the service manager logic accesses resources based on whether requests for services during a session are for voice-oriented or for non-voice-oriented services. Nevertheless, the combination motivates the exploration of the art of convergence of services related to voice (telephone) and services non-related to voice (cable) in Collins in **column 6 line 65 to column 7 line 20 and further in column 11 lines 23 to 54 (service selector)**; furthermore, this convergence is commensurate with the definition a "Next Generation Network" that features mixed traffic types such as voice, video and data.

Bowman taught a system/method wherein services required are identified and enrooted to the appropriate service provider devices/architecture-component that ultimately satisfies the request. See **column 22 lines 19-64**. Moreover, Bowman

depicted such teachings within the context of a Next Generation Network Architecture (**from column 20 line 7 to column 22 line 17**). In column 22 lines 29-45, Bowman recites:

"Content Separation (Example: Tells the intelligent peripheral and protocol converter to separate the Audio stream from the data and video stream on an H.32x call; It may also instruct the protocol converter to process the stream so as to enable this audio stream to be fed to a destination which supports traditional analog voice hence the G.728/9 content from the H.32x session would be converted first to AD/PCM and then sent to a Class 5 circuit based switch and terminated on a circuit switched SS7 network POTS line).

Access Device (**Session Control**) Provides connectivity and session termination from customer premises to the NGN Acts as the hub for the various applications (Video, Voice, Fax, Web Data, Unified Messaging) provides systems management and reporting functions May provide application multiplexing (**allowing simultaneous multi application access**)."

It would have been obvious to one of ordinary skill in the art working with the combination at the time of the invention was made to combine the systems/method of the combination with the teachings of Bowman, in order to provide a system wherein the information providers are represented by a plurality of information providers (Howard: 30 on fig. 10) connectable and in communication with a host computer (Howard: fig 1 and 10) in order to provide access to service and a plurality of network service applications coupled to the e-center (Howard: column 3 lines 39-44). For more details see Howard disclosure in the abstract, column 3 lines 1 to 44, column 5 lines 6-11, column 6 lines 18-36, column 10 lines 32-39, fig. 1, 7, 9 and 10. The combination provided motivation to explore of the art of selectable information providers (Collins: column 1 lines 49-52 and column 2 lines 22-27). The combination further motivates the exploration of the art of convergence of services related to voice (telephone) and services non-related to voice (cable) in **column 6 line 65 to column 7 line 20 and further in column 11 lines 23 to 54 (service selector)**; furthermore, this convergence is commensurate with the definition a "Next Generation Network" that features mixed traffic types such as voice, video and data. The combination would then provide a method and system wherein services required are identified and routed/forwarded/directed to the appropriate service provider devices/architecture-component that ultimately satisfies the request (Bowman: **column 22 lines 19-64**) within the context of a Next Generation Network Architecture (Bowman: **from column 20 line 7 to column 22 line 17**). The combination would have resulted improved with the teachings of Bowman by providing specific mechanism for satisfying services

provisioning in a multi-service network based on whether the service is voice-related or not.

Regarding claim 7, Collins, taught the use of a softswitch (column 8 lines 39-51, column 12 lines 26-67 and column 13 lines 1-48). See softswitch definition on Newton's Telecom Dictionary 18<sup>th</sup> Edition, published on 2002, page 683.

Regarding claims 10, 16 and 22, Collins taught the provisioning of softswitch (column 8 lines 39-51, column 12 lines 26-67 and column 13 lines 1-48) and media related transmission network access services (column 5 lines 4-9) and billing services (column 5 lines 14-21) each service inherits application program interfaces to handle request and further provide the services it is intended for.

Regarding claims 11, 17 and 26, Collins taught the invention substantially as claimed, however did not explicitly teach details regarding a network portal.

Howard taught a network portal, the network portal coupled to the service session manager; and a plurality of network applications, the plurality of network applications coupled to the network portal (column 13 lines 24-38).

Collins taught information providers selectable by the end-user (column 1 lines 49-52 and column 2 lines 22-27), which motivates the exploration of the art accordingly to properly interact with the information providers. Collins provided further motivation to

explore the art stating, "...there is a great need for a broadband/narrowband information provision and reception network that allows a multiplicity of end-users to more conveniently and efficiently obtain customer unique access and select at will from a broad range of service and/or information providers." (column 4 lines 13-19).

Collins and Howard disclosed inventions related to similar fields of invention regarding providing and controlling access to service provisioning.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made and armed with the teachings of Howard to combine the systems of Collins with other teachings found on Howard such as a web server serving HTML pages or the like to obtain the claimed invention.

Regarding claims 13, 14, 18, 20, 21 and 27-30, Collins taught the invention substantially as claimed, however did not explicitly teach details regarding:

a customer integrated access device coupled to the network and receiving a user applet and including a user agent and receiving a user applet from the network portal.

a residential gateway or an Internet protocol appliance acting as a customer integrated access device.

Regarding claims 13, 14, 18 and 27-30, Howard taught a customer integrated access device coupled to the data network, wherein the customer integrated access device includes a user agent (column 6 lines 37-58, fig. 1) in the form of a data collector 32 that gathers information with help of a service provider therefore depicting two agent behaviors (data collector communicating with service provider which communicates with embedded devices) acting on behalf of an end user of the data collector. Howard also taught the limitation in a different form (column 3 lines 22-36) explaining steps of a method processing a request from an embedded device (inherently created by a messaging agent or the like at the embedded device). Howard also taught detailed descriptions of embodiments of the system and method of figure 1 to update computer program code (applet) of an embedded device (column 5 lines 5-11) and embedded device receiving digital information from a web server (column 6 lines 28-30).

Regarding claims 20 and 21, Howard taught the residential gateway, an Internet Protocol appliance as a customer integrated access device (fig. 1, 7, and 9). Howard gives an example that inherits the use of Internet Protocol in column 6 lines 28-30 and a residential gateway in column 10 lines 33-52.

Collins taught information providers selectable by the end-user (column 1 lines 49-52 and column 2 lines 22-27), which motivates the exploration of the art accordingly to properly interact with the information providers. Collins provided further motivation to explore the art stating, "...there is a great need for a broadband/narrowband

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information provision and reception network that allows a multiplicity of end-users to more conveniently and efficiently obtain customer unique access and select at will from a broad range of service and/or information providers." (column 4 lines 13-19). Collins and Howard disclosed inventions related to similar fields of invention regarding providing and controlling access to service provisioning.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made and armed with the teachings of Howard to combine the systems of Collins with other teachings found on Howard such as a embedded device receiving code and coupled to the network and loaded with programs-acting-on-behalf-of a user (agent), a gateway computer 84 (residential getaway or IP appliance) providing access to service providers including a web server or the like to obtain the claimed inventions.

3. Claims 8, 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Howard, and further in view of Bowman, as applied above, and further in view of Vaman et al. (U.S. Patent Publication Number US 2002/0055990 A1) hereinafter referenced to as Vaman.

Regarding claims 8, 9 and 19, Collins combined with Howard and Bowman, taught the invention substantially as claimed; however, such combination did explicitly taught:

- a. a plurality of service servers in communication with a the messaging bus including a quality of service server or a conference service server wherein the

plurality of services servers include two or more service servers selected from a particular group.

- b. A customer integrated access device, which is a personal computer.

Regarding claim 8, Vaman taught a method and apparatus for ensuring end-to-end QoS for user applications operating in multi-transport protocol environments. Vaman effectively integrated QoS into application servers therefore depicting servers providing QoS services (abstract, and fig. 3) and furthermore teaching connections with a plurality of servers (page 2 paragraph 4 and page 3 paragraph 9 lines 7-12).

Regarding claim 9, by definition QoS is typically applied in the art in bandwidth demanding/sensitive environment such as video conferencing. See Newton's Telecom Dictionary 18<sup>th</sup> Edition, published on 2002, pages 159 and 603-604.

Collins and Howard disclosed inventions related to similar fields of invention regarding the provisioning and control of access to services.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the systems of Collins with the teachings of Howard to provide a system wherein the information providers are represented by a plurality of service servers and further combine the teachings of Collins and Howard with the teachings of Vaman to either integrate QoS procedures into every service provider

server that required such services or into a separate server (dedicated device or apparatus), wherein one of the service servers is providing conference services or any other bandwidth demanding/sensitive service.

Regarding claim 19, in a similar field of invention, Vaman taught a customer integrated access device, which is a personal computer (fig. 2). Clearly depicting the fact that the use of a workstation computer was well known in the art at the time the invention was made.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made and armed with the acquired knowledge from Vaman teachings to further combine the system of Collins combined with Howard with other teachings of Vaman, such as a workstation computer performing a client role to obtain the claimed invention.

***Response to Arguments***

Objection to the title is withdrawn. The amended title presented in page 2 of the applicant response received on 01/18/2005 is found to descriptive of the claimed invention.

Rejection to claim 25 under 35 USC 112 second paragraph is withdrawn. The interpretation of the cited limitation "an e-center" was clarified during a telephonic interview of record conducted on January 10, 2005. Support for the sited limitation if found in the specification at page 17 paragraph 46.

Applicant's arguments with respect to claim 1-30 have been considered but are moot in view of the new ground(s) of rejection. The search has been updated in view of Applicants arguments.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO -892 form for details.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931 or (703) 305-3887. The examiner can normally be reached on Monday through Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925 or (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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